



AMERICAN COUNCIL ON SCIENCE AND HEALTH

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Comment 04115520

September 19, 2005

Chief, Regulations and Procedures Division
Alcohol and Tobacco Tax and Trade Bureau
Attn: Notice #41
P.O. Box 14412
Washington, DC 20044-4412

RE: Notice No. 41
BY EMAIL: nprm@ttb.gov

Dear Sir or Madam:

The American Council on Science and Health (ACSH) is a consumer education consortium concerned with public health issues—including food, nutrition, chemicals, pharmaceuticals, lifestyle, and the environment. ACSH is an independent, nonprofit, tax-exempt organization. As a public health organization, we welcome the opportunity to comment on the proposed TTB Notice on Labeling and Advertising of Wines, Distilled Spirits, and Malt Beverages.

The two most important characteristics of alcohol-containing beverages about which consumers should be informed are the alcohol content and the calorie content. At a time when the prevalence of overweight and obesity are becoming a significant public health threat, information about the energy content of all foods and beverages should be presented to consumers in a standardized, clear format to allow them to make well-informed choices.

Further, although moderate ethanol consumption is known to provide health benefits for some segments of the population, it is unlikely that most consumers understand what constitutes moderate consumption (as defined in the Dietary Guidelines for Americans) and its relationship to the amount of alcohol in various alcohol-containing beverages. In addition, we consider it important to make any labeling of alcohol and nutrient content consistent with informational labels consumers see on foods in order to minimize any possible confusion.

With these requirements in mind, we offer the following suggestions for labeling and advertising of alcohol-containing beverages.

1. Alcohol content labels should be mandatory and include:
 - serving size in fluid oz
 - alcohol in fluid oz/serving
 - size of a standard drink in fluid oz (e.g., 0.6 fl oz of alcohol)
 - number of standard drinks in container (e.g., one serving of this beverage contains xx standard drinks).Inclusion of alternate descriptions of alcohol content, e.g., “proof” and percent alcohol by volume should continue to be permitted.
All alcohol-containing beverages should be required to display the alcohol facts panel.
Providing a telephone number or website where a consumer could obtain the information on the alcohol label would not be as useful as a label. Consumers should be able to obtain the information at the point of purchase, as they can do with foods.

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2. The serving size icons presented in the proposed “Serving Facts” panel can be helpful in indicating to consumers the relative alcohol and macronutrient content of different types of alcohol-containing beverages; inclusion should be based on practicality—the size of the container and label should be taken into account. These icons should not be mandatory.

3. Nutrition facts label can be separate or combined with alcohol facts label, and must include calories per serving as defined above.

The list of macronutrients, i.e., carbohydrates, protein, and fat should be given on a per serving basis.

4. Calorie and carbohydrate claims:

The definition of any relative claims, such as reduced, or light or low, carbohydrate should be consistent with the requirements for such claims on food labels. If a claim is made that the carbohydrate content per serving is low or reduced, then the carbohydrate content of the usual version of that beverage should be included for comparison. It would be preferable to wait for FDA’s decision-making process before the term “low carbohydrate” is used on beverage labels in order to make such terminology consistent across foods and beverages.

TTB should continue to prohibit use of the terms “effective carbohydrate” and “net carbohydrate” on labels and in advertisements because such terms have no legal standard of identity. If in the future such terms are legally defined for foods by FDA, then they could be included in labeling and advertisements for alcohol-containing beverages.

In general, any nutrient information on labels and advertisements for alcohol-containing beverages should be consistent with similar information on foods. Consumers should not be expected to, for example, learn that “low carbohydrate” has one meaning on foods and another on alcohol-containing beverages.

5. Allergen labeling

If a known allergen is likely to be present in a product, that fact should be present on the label. The common name of the allergen should be used (e.g., milk protein instead of whey). If the name of a beverage contains a common allergen (e.g. “Wheat Beer”) that beverage should not have to include wheat in a separate allergen label (although such information should not be prohibited). It would be useful to indicate when a beverage has been produced in a place or manner that could potentially mean it contains an allergen. The inclusion of a statement like that seen on some foods—“this product produced in a facility that also processes peanuts”—would give consumers the ability to make an informed choice based on their own sensitivity to the ingredient in question.

6. Composite Label Approach: As long as a composite label contains clear and accurate information as indicated in the proposed section V. of Notice # 41, there is no reason not to combine the “Alcohol Facts” label with the “Serving Facts” label.

We hope that the above comments are helpful to the TTB in making its decision on the issues presented in Notice # 41. If any clarification is needed, please feel free to contact us.

Thank you for your attention.

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Elizabeth M. Whelan, D.Sc., M.P.H.
President.